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April 24, 2019

Via ECF Filing

Honorable Charles B. Day
United States Magistrate Judge
U.S. District Court for the District of Maryland
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Re: *United States v. Christopher Hasson*, Criminal Case No. 19-cr-0096-GJH

Dear Judge Day:

A detention hearing is scheduled before Your Honor in this matter tomorrow, April 25, at 2:00 pm. I am writing in advance of that hearing to respectfully advise the Court of two recent decisions by magistrate judges in other jurisdictions that support setting release conditions in the case of Lieutenant Hasson. Those cases are discussed below.

United States v. John Joseph Kless (S.D. Fla.)

The first case we wish to bring to Your Honor's attention is the decision by the Hon. Barry S. Seltzer, United States Magistrate Judge for the Southern District of Florida, setting release conditions in the case of *United States v. John Joseph Kless*, Case No. 0:19-mj-06187, ECF No. 3 (S.D. Fla. Apr. 19, 2019),

Mr. Kless was arrested last week, on April 19, 2019, pursuant to a criminal complaint charging him with Interstate Transmission of Threats in violation of 18 U.S.C. § 875(c). According to the complaint, on April 16, 2019, Mr. Kless contacted three Members of the United States Congress – Rep. Eric Swalwell, Rep. Rashida Tlaib, and Sen. Corey Booker – and threatened to kill them. The threats were conveyed in language that was vulgar, hateful, and racist. Mr. Kless's alleged conduct went far beyond simply espousing extremist views; it involved direct and explicit threats of bodily harm to specific individuals. In addition, according to the U.S. Attorney's Office for the Southern District of Florida, at the time of arrest, Mr. Kless possessed at least one firearm in a backpack, "others [in] a gun safe at his home," and ammunition.¹

¹ See Christopher Mele, *Florida Man is Charged in Racist Threats Against Cory Booker and Rashida Tlaib*, N.Y. Times, Apr. 21, 2019, at A15, <https://www.nytimes.com/2019/04/19/us/threats-congress-john-kless.html>.

The Hon. Charles B. Day
United States v. Christopher Paul Hasson, Crim. No. GJH-19-0096
April 24, 2019
Page 2

Judge Seltzer entered an order setting release conditions shortly after Mr. Kless's arrest. The docket reflects that Mr. Kless was released from custody on April 22, 2019. The release order requires Mr. Kless to post a cash bond, places him on electronic monitoring with a curfew, prohibits him from possessing firearms, and restricts his travel to the judicial district, among other standard conditions.

The criminal complaint in the *Kless* case is attached as Exhibit A, and the release order is attached as Exhibit B.

United States v. Robert Darrell Chain (C.D. Cal.)

The second case we wish to bring to Your Honor's attention is the decision of the Hon. Paul L. Abrams, United States Magistrate Judge for the Central District of California, setting release conditions in the case of *United States v. Robert Darrell Chain*, Case No. 2:18-mj-02314, ECF No. 15 (C.D. Cal. Sept. 4, 2018).

Like Mr. Kless, Mr. Chain was arrested on charges of Interstate Transmission of Threats in violation of 18 U.S.C. § 875(c), on August 30, 2018. Mr. Chain was accused of harboring extremist views and threatening to harm a number of journalists who worked for the *Boston Globe*. Mr. Chain's threats were similarly direct and specific – at one point, he threatened to “shoot” a *Boston Globe* employee “in the f***** head” at a specified date and time. The Complaint further alleges that Mr. Chain possessed “several firearms, and purchased a new 9mm carbine rifle” only months before making those threats.

Judge Abrams ordered Mr. Chain released shortly after his arrest. His release conditions included a \$50,000 bond, a travel restriction, a prohibition on possessing firearms, and other standard conditions.²

The criminal complaint in the *Chain* case is attached as Exhibit C and the initial order setting release conditions is Exhibit D.

² We note that while Mr. Chain was arrested in the Central District of California, he was charged in the District of Massachusetts. The docket in the District of Massachusetts reflects that Magistrate Judge Donald L. Cabell imposed additional release conditions of location monitoring and a secured bond when Mr. Chain made his initial appearance in that District. *See* ECF No. 16, *United States v. Chain*, Case No. 18-cr-10322-WGY (D. Mass. Sept. 24 2018).

The Hon. Charles B. Day

United States v. Christopher Paul Hasson, Crim. No. GJH-19-0096

April 24, 2019

Page 3

We respectfully submit that both the *Kless* and *Chain* decisions support setting release conditions in Lieutenant Hasson's case, which does not involve any direct or specific threats to harm anyone. We ask the Court to take these decisions into consideration when it revisits the issue of pretrial detention tomorrow.

Respectfully submitted,

/s/

Liz Oyer

Assistant Federal Public Defender

cc (via ECF): Thomas P. Windom, Esq.
Jennifer Sykes, Esq.